

AMENDED IN ASSEMBLY JUNE 23, 2004

AMENDED IN SENATE MAY 12, 2004

AMENDED IN SENATE APRIL 27, 2004

**SENATE BILL**

**No. 1730**

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**Introduced by Senator Johnson**

**(Coauthors: Senators Alpert, Ashburn, Chesbro, Ducheny,  
Escutia, and Murray)**

**(Coauthors: Assembly Members Bates, Cox, Frommer, Houston, and  
Maze)**

February 20, 2004

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An act to amend Sections 316, 340, 1000, 1001, 1201, 1202, 1500, 6180, and 6952 of the Elections Code, and to amend Section 84200.4 of the Government Code, relating to primary elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1730, as amended, Johnson. Primary elections.

Existing law requires that the statewide direct primary election be held on the first Tuesday in March in each even-numbered year. It requires that, in any year evenly divisible by the number 4, the statewide direct primary election be consolidated with the presidential primary held on the first Tuesday in March in those years. Existing law establishes certain dates, including the first Tuesday after the first Monday in June of each even-numbered year, as mailed ballot election dates.

This bill would instead require that the statewide direct primary election be held on the first Tuesday after the first Monday in June of each year. The bill would also establish the first Tuesday after the first Monday in March of each even-numbered year as an established mail

ballot election date. By requiring a higher level of service by local elections officials, this bill would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

*The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a  $\frac{2}{3}$  vote of each house and compliance with specified procedural requirements.*

*This bill, which would declare that it furthers the purposes of the act, would therefore require a  $\frac{2}{3}$  vote.*

Vote: ~~majority~~  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 316 of the Elections Code is amended  
2 to read:



1 316. “Direct primary” is the primary election held on the ~~last~~  
2 ~~Tuesday~~ *first Tuesday after the first Monday* in June in each  
3 even-numbered year, to nominate candidates to be voted for at the  
4 ensuing general election or to elect members of a party central  
5 committee.

6 SEC. 2. Section 340 of the Elections Code is amended to read:

7 340. “Presidential primary” is the primary election that is  
8 held on the first Tuesday after the first Monday in June in any year  
9 which is evenly divisible by the number four, and at which  
10 delegations to national party conventions are to be chosen.

11 SEC. 3. Section 1000 of the Elections Code is amended to  
12 read:

13 1000. The established election dates in each year are as  
14 follows:

15 (a) The second Tuesday of April in each even-numbered year.

16 (b) The last Tuesday in June of each odd-numbered year.

17 (c) The first Tuesday after the first Monday in June in each  
18 even-numbered year.

19 (d) The first Tuesday after the first Monday in November of  
20 each year.

21 SEC. 4. Section 1001 of the Elections Code is amended to  
22 read:

23 1001. Elections held in June and November of each  
24 even-numbered year are statewide elections and these dates are  
25 statewide election dates.

26 SEC. 5. Section 1201 of the Elections Code is amended to  
27 read:

28 1201. (a) The statewide direct primary shall be held on the  
29 first Tuesday after the first Monday in June of each even-numbered  
30 year.

31 (b) Notwithstanding subdivision (a), in any year which is  
32 evenly divisible by the number four, the statewide direct primary  
33 shall be held on the first Tuesday after the first Monday in June and  
34 shall be consolidated with the presidential primary held in that  
35 year.

36 SEC. 6. Section 1202 of the Elections Code is amended to  
37 read:

38 1202. The presidential primary shall be held on the first  
39 Tuesday after the first Monday in June in any year evenly divisible  
40 by the number four.

1 SEC. 7. Section 1500 of the Elections Code is amended to  
2 read:

3 1500. The established mailed ballot election dates are as  
4 follows:

5 (a) The first Tuesday after the first Monday in May of each  
6 year.

7 (b) The first Tuesday after the first Monday in March of each  
8 even-numbered year.

9 (c) The last Tuesday in August of each year.

10 SEC. 8. Section 6180 of the Elections Code is amended to  
11 read:

12 6180. At least 68 days before a presidential primary election,  
13 the Secretary of State shall transmit to each county elections  
14 official a certified list containing the name of each candidate who  
15 is entitled to be voted for on the ballot at the presidential primary,  
16 and the name of each chairperson of a steering committee of an  
17 uncommitted delegation who is to be voted for on the same ballot.

18 If no uncommitted delegation has qualified pursuant to Article  
19 4 (commencing with Section 6060), the Secretary of State shall  
20 inform the county elections officials to provide for an  
21 uncommitted delegate space on the ballot.

22 The certified list shall be in substantially the following form:

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## Certified List of Presidential Candidates and Uncommitted Delegations

To the County Elections Official of \_\_\_\_ County:

I, \_\_\_\_\_, Secretary of State, do hereby certify that the following list contains the name of each person who is entitled to be voted for as a candidate of the Democratic Party at the presidential primary election to be held on the \_\_\_\_\_ day of June, 20\_\_\_\_, and the name of each chairperson of a steering committee of an uncommitted delegation which is entitled to be voted for on the ballot.

## List of Presidential Candidates and Uncommitted Delegations

Linda Adams

Joseph Black

John Reardon

Unpledged delegation

Paul Minor,

Chairperson

Dated at Sacramento, California, this \_\_\_\_ day of \_\_\_\_, 20\_\_.

(SEAL)

Secretary of State

SEC. 9. Section 6952 of the Elections Code is amended to read:

6952. The certified list required by Section 6951 shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR PRESIDENTIAL  
PREFERENCE PRIMARY AND CANDIDATES FOR  
NATIONAL CONVENTION DELEGATE

To the County Elections Official of \_\_\_\_ County:

I, \_\_\_\_\_, Secretary of State, do hereby certify that the names of the candidates to appear on the June \_\_\_\_\_, 20\_\_\_\_, Peace and Freedom Party presidential preference primary ballot, in the order in which they are to appear, are:

etc.

etc.

1 I further certify that the following list contains the name and  
2 post office address of each person who is entitled to be voted for  
3 at the June \_\_\_\_, 20\_\_, Peace and Freedom Party presidential  
4 primary election as a candidate for delegate to the next national  
5 convention of the \_\_\_\_ Party with which the Peace and Freedom  
6 Party of California is affiliated on the national level. I further  
7 certify that the groups of candidates for delegate each appear under  
8 the name of the person for whom the group has expressed a  
9 preference as nominee of the Peace and Freedom Party for  
10 President, or under the name of the group chairperson in case of  
11 a group not expressing a preference, and that the groups are listed  
12 in the order in which they are to appear on the national convention  
13 delegate portion of the Peace and Freedom Party presidential  
14 primary ballot.

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LIST OF CANDIDATES FOR NATIONAL CONVENTION	
DELEGATE	
PEACE AND FREEDOM PARTY	
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Candidates preferring	
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Name	Address
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Top of group	
1	
2	
3	
etc.	etc.
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Candidates expressing  
no preference  
(Name of chairperson)

Name	Address
Top of group	
1 _____	_____
2 _____	_____
3 _____	_____
etc.	etc.

Dated at Sacramento, California, this \_\_\_\_ day of \_\_\_\_, 20\_\_.

(SEAL) \_\_\_\_\_  
Secretary of State

SEC. 10. Section 84200.4 of the Government Code is amended to read:

84200.4. In addition to other reports required under this chapter, campaign statements shall be filed as follows in connection with a statewide direct primary election held in June of an even-numbered year or any other election held on that date:

(a) For the period ending September 30 of the year prior to the election, a statement shall be filed no later than October 10 for the period ending September 30.

(b) For the period ending December 31 of the year prior to the election, a statement shall be filed no later than January 10 of the year of the election.

~~SEC. 11. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.~~

1     *SEC. 11. No reimbursement is required by this act pursuant to*  
2     *Section 6 of Article XIII B of the California Constitution for*  
3     *certain costs that may be incurred by a local agency or school*  
4     *district because in that regard this act creates a new crime or*  
5     *infraction, eliminates a crime or infraction, or changes the penalty*  
6     *for a crime or infraction, within the meaning of Section 17556 of*  
7     *the Government Code, or changes the definition of a crime within*  
8     *the meaning of Section 6 of Article XIII B of the California*  
9     *Constitution.*

10    *However, notwithstanding Section 17610 of the Government*  
11    *Code, if the Commission on State Mandates determines that this*  
12    *act contains other costs mandated by the state, reimbursement to*  
13    *local agencies and school districts for those costs shall be made*  
14    *pursuant to Part 7 (commencing with Section 17500) of Division*  
15    *4 of Title 2 of the Government Code. If the statewide cost of the*  
16    *claim for reimbursement does not exceed one million dollars*  
17    *(\$1,000,000), reimbursement shall be made from the State*  
18    *Mandates Claims Fund.*

19    *SEC. 12. The Legislature finds and declares that the*  
20    *provisions of this act further the purposes of the Political Reform*  
21    *Act of 1974 within the meaning of subdivision (a) of Section 81012*  
22    *of the Government Code.*

